REMARKS

Claims 1-9 and 11 are pending in the present application. Claims 1, 4 and 7 are herein amended.

Claim Rejections

Claims 1-9 were rejected under 35 U.S.C. § 103(a) as being anticipated by ***Endo*** (U.S. Patent 6,493,100) in view of ***Hasegawa*** (JP 07-271538). Favorable reconsideration is requested.

A. Client-Associated Data

Applicant respectfully submits that Endo does not disclose "a packet monitor that ... updates and stores *client-associated* last received time by the client and data associating the client to the last received time" as recited in amended claims 1, 4 and 7.

"Client-associated" data is data that is associated with a client. The Specification states:

> The client list DB in the printer PR1 is updated as shown in Figure 11 by the function of the client DB generation/receive time updating routine, thus storing the last receive times associated with the respective clients using the printer PR1.

(Specification, page 8, line 34 to page 9, line 2.) This statement, along with Fig. 11, demonstrates that storing client-associated data means storing client identification data and data related to the particular client. For example, data is stored in a table having client identification data in one column and a corresponding column for storing data related to the corresponding client. (*See* Fig. 11.)

Endo, by contrast, discloses storing standby times based on print start times and print end times. (Col. 4, lines 36-46.) Standby time is not "client-associated" data. Standby time is only

data of when printing starts and when printing stops. Print start and stop time data is independent of the client requesting the print job. *Endo* is silent about storing data associated with particular clients.

The Examiner takes the position that *Endo* discloses "client-associated" standby times because *Endo* discloses a single computer attached to a single printer. The Examiner acknowledges that "*Endo* does not disclose a list of clients with associated IP addresses and the last received time that a packet was transmitted from a particular client." (Advisory Action, page 2.) However, the Examiner states that *Endo* discloses storing client associated data because *Endo* discloses that only one client is attached to the printer, and therefore, all the received time data is stored associated with that particular client. (Advisory Action, page 2.) In other words, the Examiner states that since there is only one client attached to the printer, all of the data received by the printer is inherently client associated.

Claims 1, 4 and 7 recite a printer which performs printing by "receiving a print request from a client *via a network*" and the Examiner cites Hasegawa for disclosing such a feature. Thus the Examiner modified Endo to include this feature that is disclosed in Hasegawa. Since the printer as recited in claim 1 and Endo, as modified by Hasegawa, receives print requests from a client via a network, one of ordinary skill in the art would understand that more than one client may be connected to the printer. Moreover, the Examiner states that the motivation for combining Hasegawa with Endo is "to provide *multiple clients* and printers with the advantages

of a power-saving sleep mode for a printer." Thus storing "client-associated" data must mean storing client identification data and data related to the particular client.

However, even assuming that the Examiner's interpretation of "client-associated" data is correct, claim 1 has been amended to explicitly recite storing "client-associated last received time by the client **and** data associating the client to the last received time." Endo only discloses storing print start and stop time data which is independent of the client requesting the print job. Therefore, Endo does not disclose the elements as recited in claims 1, 4 and 7.

B. Last Received Time

Applicant respectfully submits that Endo does not disclose updating and storing "last received time" data as recited in claims 1, 4 and 7.

As stated above, *Endo* discloses storing standby times based on print start times and print end times. (Col. 4, lines 36-46.) Neither standby time, print start time, nor print end time is the same data as last received time. The last received time is the last time a packet of information is received from a particular client of the printer. (Specification, page 8, lines 1-18.) The last received time is updated and stored when a packet of information is received. Every client of the printer has a last received time that is stored and updated. (*See, e.g.*, Fig. 11.)

By contrast, as disclosed in *Endo*, print start time is the time at which the printer starts printing; print end time is the time when the printer finishes printing; and standby time is merely a function of the print start and end times. (Col. 4, lines 27-45.)

The Examiner cites Table 1, column 1 for disclosing storing the "last received" time. (Advisory Action, page 2.) However, the times listed in Table 1 are standby times, which, as stated above, are merely a function of print start and end times. *Endo* states:

> [t]he sleep time set as above is shown, for example, in the following table, wherein ***a time interval means a standby time*** and a JOB means a printing process.

(Col. 7, lines 9-11, emphasis added.) This statement clarifies that time intervals listed in Table 1 are standby times, not "last received times." The header for Table 1, column 1 is "Interval Time from last Job to Present Time." Thus, column 1 lists standby times. *Endo* does not disclose storing "last received" time. Therefore, Endo does not disclose the elements as recited in claims 1, 4 and 7.

C. Printer Usage Rate

Applicant respectfully submits that Endo does not disclose computing "a printer usage rate when the client condition is not the idle condition" as recited in claims 1, 4 and 7.

In claims 1, 4 and 7, a printer usage rate computer calculates whether the client condition is idle based on the client-associated last received time and a predetermined threshold time for a positive idle condition. If the last received time does not meet the predetermined threshold idle condition time, meaning the idle condition is negative, then a new printer usage rate corresponding to a particular client is computed which is expressed in pages/hour. (Specification, page 3 lines 5-24; and page 9, lines 3-31). Thus a printer usage rate is a ***rate of use of the printer*** for a particular client when that particular client is not idle.

The Examiner takes the position that the calculation of standby time, in *Endo*, for determining when the printer should switch to the sleep mode, is analogous to calculating a printer usage rate. (Advisory Action, page 3.)

Endo defines standby time as a time period when the printer is not in use by any client. (Col. 11, lines 49-67, and Fig. 11). Sleep time is "the value obtained by subtracting the average value (average standby time) from the sum of the standby time upper limit and the standby time lower limit." (Col. 6, line 66 to col. 7, line 2.) Standby time and sleep time do not express a usage rate. Standby time and sleep time are merely calculated time periods in units of time. Neither standby time nor sleep time is a printer usage rate. Therefore, Endo does not disclose the elements as recited in claims 1, 4 and 7.

D. Client Condition

Applicant respectfully submits that Endo does not disclose determining "client condition based on the client-associated last received time, the client condition being idle condition when the packet is not received for a predetermined time" as recited in claims 1, 4 and 7.

In the present invention, the client condition is determined to be idle based on the following:

> the last receive time stored in the client list DB is compared with the current time, and if no transmission is received for more than a predetermined length of time, then it is determined that the corresponding client is in an idle condition.

(Specification, page 9, lines 3-7.) Otherwise, the client condition is not in the idle condition, in which case a printer usage rate is determined.

Endo does not disclose such a feature. *Endo* stores a print start time and a print end time in order to calculate a standby time and a sleep time. *Endo* is silent about determining whether or not a client is in an idle condition as defined in claims 1, 4 and 7, and the Examiner does not provide a citation in *Endo* demonstrating such a feature. Therefore, Endo does not disclose the elements as recited in claims 1, 4 and 7.

Claims 2, 3, 5, 6, 8, 9 and 11 depend from either claims 1, 4 or 7. Thus, for at least the foregoing reasons, claims 1-9 are patentable over Endo in view of Hasegawa and claim 11 is patentable over Endo in view of Hasegawa and further in view of Kondo.

Accordingly, withdrawal of the rejection of claims 1-9 and 11 is hereby solicited.

In view of the aforementioned amendments and accompanying remarks, Applicant submits that that the claims, as herein amended, are in condition for allowance. Applicant requests such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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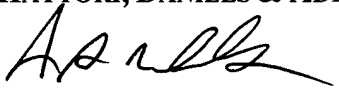

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